

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

PLAZA CONSTRUCTION, LLC,

Plaintiffs,

v.

TRAVELERS INDEMNITY CO.,

Defendant.

:
: Civil Action No: 2:20-cv-2340
:
: Removed from:
: SUPERIOR COURT OF NEW JERSEY
: LAW DIVISION
: BERGEN COUNTY
: Docket No: BER-L-000677-20
:
: **NOTICE OF REMOVAL**
:

TO: **Clerk of the Court**
United States District Court
District of New Jersey
Martin Luther King, Jr. Federal Building
& U.S. Courthouse
50 Walnut Street
Newark, NJ 07102

David Kuk, Esq.
Benjamin J. Hochberg, Esq.
Cullen and Dykman LLP
44 Wall Street, 14th Floor
New York, New York 10005
Attorneys for Plaintiff Plaza Construction, LLC

COMES NOW, Defendant The Travelers Indemnity Company (“Travelers”), by and through its attorneys, Keane & Associates, and hereby invokes this Court’s jurisdiction under the provisions of 28 USC 1332(a), 1441 and 1446, stating the following grounds in support of the removal of the above-captioned case from the Superior Court of New Jersey, Law Division, Bergen County, to the United States District Court for the District of New Jersey.

1. The above-captioned action was commenced by Plaintiff Plaza Construction, LLC (“Plaintiff”) in the Superior Court of New Jersey, Law Division, Bergen County, by the filing of

a Summons and Complaint on or about January 30, 2020. The Bergen County Clerk's Office assigned this action Docket No. BER-L-000677-20 (the "State Action").

2. A copy of Plaintiff's Summons and Complaint is hereto annexed as **Exhibit A**.

3. In the State Action, Plaintiff asserts claims against Travelers seeking a judgment declaring that Travelers are obligated to defend and indemnify Plaintiff in the underlying action commenced against Plaintiff by Ladislav Sram in the Superior Court of New Jersey, Law Division, Bergen County, Docket No. L-8199-18 (the "Underlying Action") and breach of contract by Travelers.

4. Upon information and belief, in the Underlying Action, Ladislav Sram asserts claims for personal injury sounding in negligence against Plaintiff for alleged physical injuries suffered at a location where Sram was performing work for a subcontractor hired by Plaintiff, the construction manager for the project.

6. Removal of this action from the Superior Court of New Jersey, Law Division, Bergen County to the United States District Court for the District of New Jersey is proper under 28 U.S.C. Section 1441(a). The Federal Court would have had original jurisdiction of this action, pursuant to 28 U.S.C. Section 1332 and based upon diversity of citizenship, had this action been commenced in Federal Court in the first instance.

7. Upon information and belief, Plaintiff Plaza Construction, LLC is a limited liability company organized under the laws of the State of Delaware. Upon information and belief, none of Plaintiff Plaza Construction, LLC's members are citizens of the State of Connecticut.

8. Defendant Travelers is a Connecticut corporation with its principal office for the transaction of business in the State of Connecticut and is, therefore, a citizen of the State of Connecticut.

10. Upon information and belief, the amount in controversy exceeds the sum of value of \$75,000.00, exclusive of interest and costs, and is between citizens of different states.

11. Pursuant to 28 U.S.C. Section 1332(a)(1), the District Courts shall have original jurisdiction of this proceeding.

12. This Notice of Removal is timely because the Complaint in this action was served on Defendant on February 3, 2020, and this notice was filed within thirty (30) days of receipt of that pleading and within one year of the date upon which this action is commenced.

13. Travelers submits this Notice of Removal without waiving any defenses to Plaintiff's claims or conceding that Plaintiff has pled any claims upon which relief may be granted. Further, by filing this Notice of Removal, Travelers does not waive any defenses with respect to adequacy or effectiveness of service of process.

15. Contemporaneous with the filing of this Notice of Removal with the United States District Court for the District of New Jersey, Travelers is also filing a Notice of Filing of Notice of Removal with the Clerk of the Superior Court of New Jersey, Law Division, Bergen County.

WHEREFORE, Defendant The Travelers Indemnity Company respectfully requests that the State Action be removed from the Superior Court of New Jersey, Law Division, Bergen County to the United States District Court for the District of New Jersey.

Dated: March 4, 2020.

KEANE & ASSOCIATES

By: /s/Brent S. Usery

Brent S. Usery

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Attorneys for Defendant

The Travelers Indemnity Company

CERTIFICATION OF SERVICE

I hereby certified that on March 4, 2020, a copy of the foregoing **Notice of Removal with Exhibits** was filed with the Clerk of the Court and served in accordance with the Federal Rules of Civil Procedure, the District of New Jersey's Local Rules and the District of New Jersey's Rules on Electronic Service upon the following parties and participants via regular mail and email:

David Kuk, Esq.
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New York, New York 10005
Attorneys for Plaintiff Plaza Construction, LLC

/s/Brent S. Usery
Brent S. Usery